

# News from Ed Markey

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CONTACT: Israel Klein

(202) 225-2836

## MARKEY CALLS RESPONSE TO NUCLEAR TERRORISM THREAT "INADEQUATE AND UNACCPETABLE"

### *Legislation is Necessary to Protect Nuclear Facilities from Attack*

WASHINGTON, D.C. -- Representative Edward J. Markey, (D-MA) today released a letter from the Nuclear Regulatory Commission (NRC) responding to the Congressman's inquiries regarding the nature and adequacy of current federal government and nuclear industry measures to defend our nation's nuclear power plants from a terrorist attack.

"The NRC and the nuclear industry still do not appear to have fully woken up to the fact that we are living in a whole new world after September 11th," said Rep. Markey, who is a senior Democratic Member of the House Energy and Commerce Committee, which has legislative and oversight jurisdiction over the NRC.

Rep. Markey continued, "For years I have been concerned that the NRC and the industry weren't taking the terrorist threat seriously. After reading this letter, I can only conclude that they still don't get it. So far, the NRC and industry response to the current terrorist threat is inadequate and unacceptable."

In the letter to Rep. Markey, NRC Chairman Richard A. Meserve acknowledged that "the recent attacks have focused attention on the need to review policies and practices related to safeguards and physical security measures for civilian nuclear facilities." Chairman Meserve indicated that such a review was currently being undertaken. However, both the NRC and the nuclear industry have lobbied Congress to reject recent amendments offered by Rep. Markey to require the Commission to revise the "design basis threat" that nuclear plant operators are required to defend against, to improve guard forces and deploy military units to supplement security at the plants, as well as to step up the security of radioactive materials being transported. These amendments were offered to an anti-terrorism bill, H.R. 3016, which was approved by the Energy and Commerce Committee on October 9, 2001 and is currently awaiting action before the House. Because it is unclear whether the Republican leadership will take up that bill, Rep. Markey also has filed similar amendments to the Price-Anderson reauthorization legislation, H.R. 2983, which is currently pending before the Energy and Commerce Committee.

In the letter that Rep. Markey released today, the NRC responded to specific questions about current nuclear security measures. In this response, Chairman Meserve indicated that:

- The NRC had never formally ordered commercial licensees to step up security measures on September 11th, preferring instead to issue a more informal "threat advisory;"
- On October 6, 2001, the NRC issued a safeguards advisory "delineating certain prompt and longer-term additional actions to strengthen licensee capability to respond to a terrorist attack at or beyond the design-basis threat." Meserve indicated that "licensees are currently implementing those actions," but gave no indication when such implementation would be complete;
- The NRC still wishes to proceed with a pilot program in which the current NRC designed,

supervised, and evaluated program to test licensee security forces gradually would be replaced with a nuclear industry sponsored initiative in which the nuclear industry itself would design, conduct, and evaluate a test of their own security forces.

- Unlike Switzerland, which requires its nuclear reactors to be protected against commercial plane crashes, "the NRC has not routinely required all plants to be designed to withstand a particular aircraft crash," but has merely required proximity to airports to be considered when evaluating sites for new plants.
- The NRC currently "has no criterion that requires nuclear power plant containment vessels to be designed to withstand the crash of a Boeing 747" and "the NRC did not specifically consider attacks by aircraft such as Boeing 757s or 767s, and nuclear power plants were not specifically designed to withstand such crashes." Moreover, the NRC reported that it "has not yet performed detailed engineering analyses of a large airliner crash; and thus cannot, at this point, provide an assessment of the likely consequences of such an attack." This contradicts initial statements by NRC and nuclear industry spokespersons suggesting that the plants could withstand such attacks.
- The NRC has not analyzed "the capacity of spent fuel dry storage casks to withstand a fire for extended time, such as 24 hours" and has always assumed that fires would be of shorter duration and that fire fighting personnel would be able to respond to it." NRC continues to assume that fuel from an aircraft collision would "burn off in a matter of minutes," though these assumptions are based on much smaller volumes of fuel than are contained in a fully fueled Boeing 767.
- The NRC continues to believe that it is acceptable for nuclear power plants to use flammable materials as "passive fire barriers" even though these materials have been found to be defective by the NRC, which ordered plant operators to maintain "bucket brigades" to put out the fires instead of requiring new barriers that could meet the fire-protection standards.
- The NRC still has not distributed potassium iodide (KI) as a protective measure for the general public in the event of a nuclear accident, despite having earlier determined that KI is "a reasonable, prudent, and inexpensive supplement to evacuation and sheltering for specific local conditions." Instead, the NRC has been waiting for the States in which nuclear plants are located to request distribution of the substance, and is awaiting guidance from the Food and Drug Administration (FDA) on dosage and intervention levels.
- The NRC still believes that current restrictions in the Atomic Energy Act which bar foreigners from ownership of nuclear power operating licenses should be removed.

Rep. Markey concluded, "The terrorist attacks on September 11th require us to re-examine all of our security procedures and regulations pertaining to nuclear power plants. There is no greater single threat to our way of life than a successful attack on a nuclear power plant - it would be catastrophic. It is clear that legislation is going to be needed to get the NRC to take the steps needed to protect our nation from this threat."

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